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Attorneys for Defendants GK Development, Inc, GK Holiday Village, LLC  
and Holiday Village Partners, LLC

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

SUN COCHRAN,

Plaintiff,

-vs-

GK DEVELOPMENT, INC; GK  
HOLIDAY VILLAGE, LLC; HOLIDAY  
VILLAGE PARTNERS, LLC; and DOES  
1-10,

Defendants.

Cause No.

**DEFENDANTS' NOTICE OF  
REMOVAL**

Defendants GK Development, Inc, GK Holiday Village, LLC and Holiday  
Village Partners, LLC gives notice of removal of the above-captioned case to the  
United States District Court for the District of Montana, Great Falls Division

pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Fed.R.Civ.P. 81(c), and Local Federal Rule 3.3.

In support of this removal, Defendants state as follows:

1. On October 12, 2021, Plaintiff Sun Cochran filed an action entitled *Sun Cochran v. GK Development, Inc; GK Holiday Village, LLC; Holiday Village Partners, LLC; and Does 1-10*, Cause No. DV-21-0523, Montana Eighth Judicial District, Cascade County.

2. Service of the Complaint was effectuated upon Defendant GK Holiday Village, LLC on October 18<sup>th</sup>, 2021.

3. Defendants are filing their Answer to the Complaint contemporaneously with this Notice.

4. This Notice of Removal is filed within 30 days of service of the Complaint upon GK Holiday Village, LLC pursuant to 28 U.S.C. § 1446(b)(1).

5. All specifically identified Defendants are joining in this Notice, therefore no other person's consent to removal is required under 28 U.S.C. § 1446(b)(2).

6. A true and correct copy of the original Complaint is attached to this Notice as Exhibit A.

7. Removal is proper pursuant to 28 U.S.C. §§ 1332 and 1441(a) because the action is one over which this Court has original jurisdiction, as it is between

citizens of different states, as defined in 28 U.S.C. § 1332(a)(1), and the alleged matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs. In particular:

- a. Upon information and belief, Plaintiff, Sun Cochran, is an individual domiciled in Montana.
- b. GK Development is a corporation organized under the laws of Illinois with its principal place of business in Illinois.
- c. GK Holiday Village, LLC is not a citizen of Montana because it does not have any members who are citizens of the State of Montana. *See Johnson v. Columbia Properties Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006) (holding a limited liability company (LLC) is a citizen of every state of which its owners/members are citizen.)
- d. Holiday Village Partners, LLC is not a citizen of Montana because it does not have any members who are citizens of the State of Montana.
- e. With respect to Defendants John Does 1-10, the citizenship of those defendants is disregarded for diversity purposes, pursuant to 28 U.S.C. § 1441(b)(1).
- f. The amount in controversy meets the jurisdictional threshold.

8. For purposes of removal, venue is proper in this district and division under 28 U.S.C. § 1441(a) because the removed action has been pending in this district and division.

9. By filing this Notice of Removal, Defendants are not waiving any defense which may be available to it and do not concede that Sun Cochran has stated claims upon which relief may be granted.

10. No hearings or other proceedings have been set in this action.

11. Pursuant to 28 U.S.C. § 1446(d) and Local Federal Rule 3.3, a copy of this Notice of Removal will be filed promptly with the Clerk of Court for the Eighth Judicial District Court, Cascade County, State of Montana, in which this action has been pending, and written notice thereof will be promptly provided to counsel for all adverse parties.

DATED this 5th day of November, 2021.

MOULTON BELLINGHAM PC

By /s/ Adam J. Tunning  
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Attorneys for Defendants

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was duly served upon the following via U.S. mail on this 5th day of November, 2021.

Jeffrey G. Winter  
Durocher & Winter, PC  
118 6<sup>th</sup> Street South  
P O Box 1629  
Great Falls, MT 59403

/s/ Adam J. Tunning  
Adam J. Tunning